

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ROYAL BENSON, M.D. and BENSON  
OB/GYN CENTER, P.A.,

Plaintiffs,

v.

ST. JOSEPH REGIONAL HEALTH  
CENTER, et al.,

Defendants.

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CIVIL ACTION NO. H-04-4323

MEMORANDUM AND ORDER

Pending before the Court is Defendant's Rule 54(b) Motion for Entry of Final Judgment (Doc. No. 355). It is this Court's general practice to delay consideration of any attorneys' fees issues until a resolution on the merits has been reached. Then, the fees issues are resolved prior to entry of a final judgment. Thus, because a final resolution on the merits has now been reached in this case, the Court will permit Defendants to make a separate motion for attorney's fees on or before **Wednesday, September 5, 2007**, if they so desire. Final judgment will not be entered until all fees issues are decided.

Thus, Defendant's Rule 54(b) Motion for Entry of Final Judgment is **DENIED**.

**IT IS SO ORDERED.**

SIGNED this 22<sup>nd</sup> day of August, 2007.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL  
FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY  
EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT